



## UNITED STATES PATENT AND TRADEMARK OFFICE

## Board of Patent Appeals and Interferences

MONSANTO COMPANY (A&P)  
800 N. LINDBERGH BOULEVARD  
MAILZONE E2NA  
ST. LOUIS, MO 63167

Appeal No: 2008-1235  
Appellant: JOSEPH R. BYRUM et al.  
Application No: 09/199,129  
Hearing Room: A  
Hearing Docket: A  
Hearing Date: Tuesday, September 16, 2008  
Hearing Time: 09:00 AM  
Location: Madison Building - East Wing  
600 Dulany Street, 9th Floor  
Alexandria, Virginia 22313-1450

**NOTICE OF HEARING  
CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS**

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open to the public.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0299

USPTO Central Fax No: (571) 273-8300

BPAI Mailing Address: Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. BOX 1450  
Alexandria, Virginia 22313-1450

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE:  HEARING ATTENDANCE CONFIRMED  HEARING ATTENDANCE WAIVED

*Matthew Mad*  
Signature of Attorney/Agent/Appellant

2 SEP 2008 45,594  
Date Registration No.

Names of other visitors expected to accompany counsel: \_\_\_\_\_

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see  
<http://www.uspto.gov/web/offices/dcom/counsel/contact.htm#bpaicontacts>



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

MLM

| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/199,129   | 11/24/1998  | JOSEPH R. BYRUM      | -38-2115075B        | 3322<br>15-075   |
| 66057  | 7590        | 07/30/2008           | EXAMINER            |                  |
| MONSANTO COMPANY (A&P)<br>800 N. LINDBERGH BOULEVARD<br>MAILZONE E2NA<br>ST. LOUIS, MO 63167 |             |                      | EPIS FORD, JANET L  |                  |
| RECEIVED   |             |                      | ART UNIT            | PAPER NUMBER     |
| AUG - 5 2008   |             |                      | 1633                |                  |
| MAIL DATE  |             | DELIVERY MODE        |                     |                  |
| 07/30/2008   |             | PAPER                |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

(A&P case)

RECORDED  
8/5/08  
mm

MONSANTO  
im ineMONSANTO COMPANY  
LAW DEPARTMENT  
800 North Lindbergh Blvd.  
St. Louis, Missouri 63167  
Phone: 314-694-1000*facsimile*

DATE 8-2-2008  
TO PTO - EPPS - FORD - Janet L.  
FAX 571-273-0299 - 571-273-8300  
FROM Matthew L. Madsen  
PHONE 314-694-2139  
FAX 314-694-2244  
CC FINA  
SUBJECT Notice of Hearing - 38-21 (15075)  
PAGES Response

This facsimile consists of 3 page(s) including cover sheet. Should you experience any problem, please contact Gracie Williams @ 314-694-8663, or by return facsimile to 314-694-2244.

The information contained in this facsimile message is CONFIDENTIAL, and may also be LEGALLY PRIVILEGED, intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that the use, review, dissemination, distribution or copying of this document is strictly prohibited. If you have received this document in error, please notify us immediately by telephone and destroy the original message.